CONFERENCE ON DISARMAMENT

The PRESIDENT: I declare open the 754th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representatives of Spain, the Syrian Arab Republic and Canada.

Before giving the floor to our first speaker today, I should like to inform you that the United Republic of Tanzania has requested participation in our work during this session as an observer. With your concurrence I should like to take up this request for decision at the end of this plenary meeting, without going into an informal meeting.

I now give the floor to the representative of Spain, Ambassador Martinez Morcillo.

Mr. MARTINEZ MORCILLO (Spain) (translated from Spanish): Mr. President, I would like my first words to convey to you our congratulations and our pleasure at seeing you guiding this Conference on Disarmament. The meetings that have been held since the Conference resumed its work just a few weeks ago have more than adequately confirmed your gifts as an energetic leader of our work with impartiality and skill. The delegation of Spain also wishes to convey its greetings and esteem to the Secretary-General of the Conference, Mr. Petrovsky. We also wish to place on record the appreciation with which we are following the work of the Deputy Secretary-General, Mr. Bensmail, and to extend our gratitude and appreciation to him.

Once again in its history, the Conference on Disarmament is at a crossroads which calls for a decision of fundamental importance for its future. In recent years the Conference on Disarmament has concluded the negotiation of two basic instruments in efforts to combat weapons of mass destruction, chemical weapons and nuclear weapons. We think that with such achievements behind it, the Conference must of necessity face its future with the twin approach of pursuing a line of action on which it has already embarked and adding to it in the light of the elements that it has before it and the international circumstances in which it is placed. The fact that Spain has joined the Conference on Disarmament only recently, and that it has done so at a time when the Conference must chart a new course, offers grounds for me to outline very briefly the main elements which will serve as a foundation for of our participation in the work of the Conference, and hence our policies within it. We have always proceeded from a delimitation of the Conference on Disarmament, but the fact that this has been repeated and reiterated so many times in this Francisco de Vitoria chamber, where we are now, which is a source of pride and encouragement for Spain, does not detract from its status as a mandatory and indispensable starting-point for any political action in the ambit of the CD.

The Conference, as has been said many times, is the sole negotiating body on disarmament issues that exists in the institutional context of the United Nations. For us this means two things: first of all, that it is a negotiating body, and therefore its cardinal objective is to negotiate specific legal instruments; second, that these negotiations are conducted in

(Mr. Martinez Morcillo, Spain)

the institutional framework of the United Nations, thereby respecting the deliberative or decision-taking functions that in normal circumstances are carried out in other United Nations bodies. It was the make-up of the Conference on Disarmament, thus defined and demarcated, which led Spain to knock at its doors for very many years, doing so with patience but also with stubborn determination. The same definition and context continue to underlie Spain's position at the current stage in the Conference's proceedings. Therefore, Sir, my delegation welcomes the decision you took to initiate the holding of informal plenaries with a view to reaching agreements for the establishment of ad hoc committees that can get down to work on specific subjects. Therefore, my delegation also welcomes your decision to pursue these consultations and your work in the shape of the informal plenaries that we will be initiating today.

The position of my delegation as we put flesh on the bones of the agreement is the following. We proceed from the view that the Conference on Disarmament, within the context of a balanced approach to the realities and the pressing issues of the present international political moment, must devote its attention both to conventional weapons and to weapons of mass destruction. With regard to the latter, for my delegation there is a subject to which it attaches priority and which we believe is in keeping with the present stage of nuclear disarmament in the path to general and complete disarmament. Nevertheless, as the process of reduction and control of nuclear weapons has shown, their elimination cannot be achieved by means of maximalist positions and the establishment of rigid deadlines, but rather through specific steps and measures that, in a cumulative way, involve major qualitative changes in the progressive elimination of nuclear weapons. Any other strategy, we believe, is doomed to failure. Consequently, we must address the nuclear issue so that it will bear fruit in "realistic" terms, acknowledging that it is a process that will necessarily unfold in stages.

The Conference on Disarmament has just concluded the negotiation of the Nuclear-Test-Ban Treaty, so that the logical consequence of the momentum that has been launched is that the next, complementary step will necessarily be negotiations on a treaty for the prohibition of fissile material for nuclear weapons or other nuclear explosive devices, in other words, what is known in our jargon as the "fiss ban" or "cut-off". If the negotiation of such a treaty is the logical consequence of the fact that the process for the signature and ratification of the Nuclear-Test-Ban Treaty has been initiated, the preference that we attach to it is recommended or even imposed by the fact that this Conference has already managed to agree on a mandate in this area and that all that is needed is for the appropriate ad hoc committee to be set up. We are not unaware of the fact that the negotiation of a treaty of this nature is going to be fraught with difficulties, and the proof of this lies in the difficulties that have already arisen, which prevented the establishment of the ad hoc committee in the past. But equally I believe that no one can be unaware that the signing of the Nuclear-Test-Ban Treaty would somehow be incomplete if we do not seek to create a legal instrument that would solve one of the problems that in the natural course of events is going to crop up sooner or later, a problem that has already arisen in the International Atomic Energy Agency in connection with the possession of surplus fissile material.

(Mr. Martinez Morcillo, Spain)

A moment ago we spoke of realism in opting for a subject that is ready for negotiation by this Conference. The end of the cold war in nuclear matters has created many new problems which have arisen with inevitability and for which urgent solutions are needed. They include for instance, the security of power plants, illicit trafficking in nuclear material, the strengthening of the safeguards system, etc. Each of these is being dealt with in the appropriate forum. Spain is of the view that the prohibition of fissile material, because of the characteristics of the subject, should be a question to be considered, as a matter of the highest priority, in the Conference on Disarmament.

With regard to conventional weapons, my delegation also has a very clear priority: anti-personnel landmines. We do not believe it is necessary to dwell in great detail on reiterating Spanish policy in this matter, which has focused on three elements: the commitment to join in efforts leading to the prohibition of such weapons, a commitment which is currently taking the form of our associating ourselves with the most recent steps taken by the international community in this regard, for which purpose the procedures have already been initiated in Spain for the signature and ratification of Protocols II and IV to the 1980 Inhumane Weapons Convention which were adopted at the end of 1995; secondly, the moratorium on the export of anti-personnel landmines, where Spain has always been in the forefront of national decisions taken in this respect, and which is currently being incorporated in the terms of the most recent joint action agreed upon by the European Union; and lastly, the twofold contribution to mine clearance efforts that Spain is making through its participation in the European Union's activities and its bilateral training programmes in clearance.

The question has been raised before this Conference on Disarmament of whether or not it is this body that should initiate negotiations on this subject in view of the initiatives already adopted outside this forum. Up until now the reasons in favour of one or the other solution have been presented many times and in many places, and specifically before this Conference. Needless to say, my delegation concurs with those delegations that support the Conference as the appropriate place for negotiations in the sphere of mines. But the most curious thing is that when we hear the arguments against this Conference and in favour of other processes that have already been initiated, while sharing many of the concerns expressed in them, we reach the conclusion that those reasons combine to argue in favour of choosing this Conference on Disarmament. And this is the case in view of the three indispensable conditions which we believe should be met if we wish international action in this area to be effective. These conditions, which we may with to enlarge upon later in greater detail, are those of verification, phasing and universality. Only a step forward which is based on the requirements of universality and implementation of the final objectives sought in successive and progressive phases currently enjoys the necessary guarantees for arriving at results which are effective and genuine, and - I wish to add - universal and general in scope. It is precisely this requirement of universality, which is the fundamental argument in favour of this Conference

(Mr. Martínez Morcillo, Spain)

on Disarmament, that prompts us to adopt an equally clear position on another of the items that the Conference has before it. I refer to the possible further expansion of its membership.

The fact that Spain had to wait patiently for many years, in circumstances that were not always easy, before its membership of the Conference became a reality, means that we are especially alive to the interests of other countries which have made such a request. Therefore, and regardless of the decisions that may be adopted at some stage with regard to the expansion issue, we also support the idea that observer delegations that have expressed a wish to join in the work of the Conference should be able to participate in it in one way or another. In that way the Conference on Disarmament would meet the requirement of universal representativeness that its own nature demands.

The PRESIDENT: I thank the representative of Spain for his statement and for the encouraging remarks addressed to the Chair. I now give the floor to the representative of the Syrian Arab Republic, Mr. Orfi.

Mr. ORFI (Syrian Arab Republic) (translated from Arabic): Mr. President, it gives me pleasure at the outset to congratulate you on behalf of the delegation of the Syrian Arab Republic on your assumption of the presidency of the Conference at the start of the 1997 session. We are convinced that your diplomatic skills and experience will assist us greatly at this difficult stage. It also gives me pleasure to thank your predecessor, Ambassador Dembinski, who presided over our work during the final part of the previous session.

Since the end of the Second World War and the appearance of the spectre of the cold war, the world has lived under the shadow of terror of nuclear war after it witnessed the historically unprecedented scale of the tragedy which afflicted the two cities of Hiroshima and Nagasaki. Nuclear terror once again took hold of the world during the missile crisis and after the Chernobyl tragedy. After the end of the cold war, hope was born but did not come to fruition. The hope was that the world had entered a new phase of its history; a phase in which the logic of justice and peace would prevail over the logic of hegemony and war and in which States would be guided by the principles of the Charter of the United Nations, which stipulated that all Members of the Organization would refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. The peoples of the world were also optimistic that the new phase of their history would be the one which would witness the total elimination of all kinds of weapons of mass destruction, in particular nuclear weapons. Despite the fact that the probability of the occurrence of a nuclear confrontation has now diminished, the nuclear threat, regionally and globally, still exists and still threatens the future of mankind. This threat will not be completely dissipated unless it is dealt with in a serious and comprehensive manner.

Syria believes that issues of disarmament must be addressed in a comprehensive and equitable manner. Syria also believes that all the steps

which have been taken in the field of disarmament will not attain the desired goals unless comprehensive nuclear disarmament is achieved. Syria has therefore endorsed the programme of work on the elimination of nuclear weapons which was submitted by 28 member States of the Group of 21 in August last year. This programme is both objective and comprehensive. It achieves the objective of the peoples of the world to live in a world free of nuclear weapons. One of the priorities of the programme is the early adoption of a binding international instrument which provides unconditional and legally binding safeguards for all the Member States which do not possess nuclear weapons in order to protect them against the use or the threat of use of nuclear weapons.

The advisory opinion issued by the International Court of Justice on 8 July 1996 considered that the threat or use of nuclear weapons is contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law, and that all States have an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under effective control. Therefore, we are of the opinion that the Conference on Disarmament must respond to the request made by the United Nations General Assembly in resolution 51/45 O for the establishment, on a priority basis, of an ad hoc committee to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework in the manner advocated in the Final Document of the first special session of the General Assembly on disarmament and in accordance with the programme that was submitted by the Group of 21 in document CD/1419. In this respect, we would like to voice our concern at the mounting constraints imposed on the acquisition of the material, equipment and technology that developing countries need in order to be able to use nuclear energy for peaceful purposes. These constraints are imposed through the imposition of an export monitoring system which hampers economic and social development in developing countries. We believe that we must devise mechanisms to allow the transfer of technology and cooperation in the peaceful uses of nuclear energy.

Although we feel great pain when we see the human suffering caused by anti-personnel landmines in some parts of the world where those mines have been misused, for many States those mines are still a legitimate weapon to defend their security and their borders in the face of more lethal weapons. Hence, we have the right to ask the following question: What is the issue to which priority should be accorded in the Conference on Disarmament? Is it the question of the mines which have caused the deaths of thousands of people, or is it the nuclear weapons which the advisory opinion of the International Court of Justice regarded as having a destructive power that cannot be contained in either space or time because nuclear weapons have the potential to destroy all civilization and the entire ecosystem of the planet?

One of the hotbeds of tension in the world is the Middle East. Of all the regions, the Middle East could possibly be said to be the most tense. When the Madrid Conference was held, the predominant hope among the Arab States in the Middle East was that the future would be better than the past; a

(Mr. Orfi, Syrian Arab Republic)

future in which occupied lands would be restored to their rightful owners, a future in which a just and comprehensive peace would prevail instead of aggression and of war. However, approximately six years after the Madrid Conference, this hope is fading. Israel is still refusing to withdraw from all the Arab territories which it occupied in 1967 and is still refusing to apply the relevant Security Council resolutions and the principle of land for peace which formed the basis of the Madrid Conference. Furthermore, the peace process on both the Lebanese and the Syrian tracks has been frozen for almost one year because of the fact that the Government of Israel has reneged on the commitments and pledges that it made during the negotiations which were held with the previous Government. Those commitments are necessary for the resumption of negotiations in order to reach a just and comprehensive peace under which Israel would withdraw from the occupied Syrian Golan to the 4 June 1967 borders in accordance with the United Nations resolutions and the principles on which the Madrid Conference was based, and also from occupied southern Lebanon and the western Bekaa under the terms of Security Council resolution 425. We would like to recall in this respect that His Excellency President Hafez al-Assad of Syria has stated that, for Syria, peace is a strategic option the achievement of which depends on the Israeli party's commitment to international law.

Matters are becoming even more complex and tense in the Middle East due to the fact that Israel, which is the only State that possesses nuclear weapons in our region, is insisting on retaining its nuclear arsenal. In this respect we would like to voice our deep concern at the continuation of the Israeli nuclear programme outside the international non-proliferation system and at Israel's refusal to accede to the NPT or to place its nuclear installations under full IAEA safeguards in spite of the numerous United Nations resolutions calling on Israel to do so. This refusal on the part of Israel poses a threat to regional security, undermines the credibility and universality of the Non-Proliferation Treaty and constitutes a grave and unacceptable imbalance that jeopardizes the security and stability of our region. In this connection, I would like to point out that the fact that some have been supporting the illogical Israeli pretexts to justify non-accession to the Non-Proliferation Treaty is not helping to solve the nuclear problem in the Middle East; on the contrary, it is making the problem more complex. It is strange that Israel is being given gratuitous pretexts in order to be able to retain its nuclear weapons while there is an uproar when any Arab State acquires or even tries to acquire legitimate conventional weapons in order to defend its security and territorial integrity in accordance with the terms of the United Nations Charter.

The Syrian Arab Republic has always made every endeavour to support the relevant United Nations resolutions concerning disarmament in keeping with the principle of strengthening international peace and security throughout the world in accordance with the purposes and principles of the United Nations Charter, in particular the need to refrain from using force or the threat of force and the need to respect the independence and territorial integrity of States and the right of peoples to self-determination and freedom from foreign occupation. In this context, and within the general perspective of full and comprehensive disarmament, Syria was one of the first States to

accede to the Non-Proliferation Treaty and, in 1992, signed its safeguards agreement. It has repeatedly expressed its support for the establishment of a nuclear-weapon-free zone in the Middle East. Syria was also the first country to officially propose, in the Paris Conference on Chemical Weapons in 1989, that the Middle East should become a zone free from all chemical, biological and nuclear weapons of mass destruction. Syria will do its utmost at the Conference on Disarmament to address questions of disarmament, particularly the question of nuclear disarmament, in order to provide coming generations with a world in which peace and justice will prevail, in which stability and prosperity will be enjoyed by all, and in which peoples will forget that dark period in history when mankind lived under the nuclear terror.

The PRESIDENT: I thank the representative of the Syrian Arab Republic for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Canada, Ambassador Moher.

Mr. MOHER (Canada): Mr. President, it is a pleasure to participate in our deliberations once again under your skilful presidency. I would like to make, if I may, one or two preliminary comments before I address landmines in particular. We, on 21 January, gave our initial comprehensive statement on the issues before this body and we sincerely applaud and support your efforts to build on those and other views in the intervening days.

On Tuesday, we commented further on cluster 1, "Nuclear weapons", and during that intervention repeated our view that a mechanism or mechanisms to deal realistically and substantively with nuclear disarmament issues and to negotiate fissile material "cut-off" on the basis of the Shannon report will be necessary to break the log-jam in our efforts to find a realistic work programme in 1997. We firmly believe that certain key countries will have to agree to find a compromise in that regard and we encourage you, Mr. President, to continue your diligent efforts and we certainly welcome other creative, positive ideas to move us forward to that end. This is not just an effort on our part to find some kind of mindless compromise: it is our national view that nuclear disarmament issues should, and can, be considered substantively in this forum.

On Tuesday, we signalled that we would have comments on the other focus issue emerging in our deliberations, that is, anti-personnel landmines. Given that a proposal was made in the formal plenary on 30 January, we wish now to address this subject in more detail. As indicated, we made our views known on the general issue of anti-personnel mines in the Conference on Disarmament in our statement on 21 January. Those views stand.

Several developments, both in the CD and on the margins thereof, suggest however that some further comments at this point are in order.

Canada's starting-point on this issue is well established; that is, AP mines constitute a humanitarian and economic scourge with thousands of innocents killed and maimed each year.

(Mr. Moher, Canada)

In our view, use is the problem and it is the use of AP mines which must be urgently addressed.

As the International Committee of the Red Cross study on the military utility of AP mines concluded, in modern conflicts, mines have rarely been used correctly, whether by "developed" country armies, third world armies or insurgents.

Thus Canada has set itself a straightforward objective: a legally binding agreement in 1997 to ban the production, stockpiling, transfer and, particularly, the use of AP mines.

We are working diligently with others to that end and have invited all who can to join us in a mechanism - the so-called Ottawa Process - designed to attract as much support as possible.

We, and a growing number of countries from every region, are committed to this "fast-track" approach. Work on this track will begin within a week from now in Vienna and will proceed without interruption until a successful conclusion later this year.

Let me now turn to the CD as a forum for dealing with this issue.

We acknowledge those who wish to pursue the AP mine issue in the CD; we acknowledge that the CD has unique strengths and capabilities; but we reject any suggestion that it is the only acceptable mechanism in which to work.

Moreover, we have made clear our sole criterion as regards any APM work to be done in the CD, i.e. that it be complementary to, and mutually reinforcing of, the Ottawa Process.

At the United Nations General Assembly in December 1996, 156 countries called on the international community to "pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel mines with a view to completing the negotiations as soon as possible".

The United Nations General Assembly resolution did not specify the forum. It also did not require that the agreement be "universal". While our ultimate objective is universality, we recognize that this goal is not immediately achievable. Our first priority is to set a new international norm against these weapons. Once this is established, we will set about the task of promoting its universality.

The United Nations General Assembly resolution also did not specify that the agreement be "effectively verifiable". This is because there is a widespread recognition that, in the case of AP mines, complete verifiability is neither achievable nor necessary.

(Mr. Moher, Canada)

Further, we do not believe that a lengthy step-by-step approach, beginning with a ban on transfers, responds to the humanitarian urgency which impelled 156 countries to vote for a resolution calling for a total ban.

Transfers of AP mines have already been dramatically reduced over the past several years through unilateral action by approximately 70 States.

There are almost 100 million AP mines in national stockpiles and most nations have the rudimentary technology necessary to produce such mines. As a result, even with a ban on transfers, tens of millions of new mines can continue to be deployed.

This brings us to the proposal by the delegation of the United Kingdom in this plenary on 30 January.

Let us be absolutely clear: if other members of the CD wish to establish and direct an ad hoc committee to negotiate an effective, legally binding international agreement to ban totally the export, import or transfer of all types of APMs, Canada will not object.

And, if other members of the CD conclude that such a specific agreement to be negotiated here must have an even more inclusive scope, we are prepared to discuss that although we must admit to considerable reservations as to achievability.

But, what we must emphasize is that we have major difficulty in accepting the packaging of that core idea as presented in the United Kingdom proposal; additional elements therein are, in our view, designed to advance a particular perspective as regards the broader substance, process and priorities of addressing the APM issue which is counter to our views as already set out.

In conclusion, let me make two points: if it is the will of this body to pursue the issue of AP mines, Canada will not oppose it; but we will strongly oppose any initiative which does not reinforce or complement the ongoing work of the Ottawa Process or which delays unduly the establishment of the urgently needed norm against AP mines.

As Canada's Foreign Minister, Lloyd Axworthy, said on 31 January:

> "I have made the campaign against AP mines one of my top priorities ... It is my belief that the value of the Ottawa Process will speak for itself: a flexible, open and effective process that delivers concrete and speedy results. A process that holds out real hope for banning these weapons within months, not years or decades. A process that responds to the humanitarian imperative for action".

The PRESIDENT: I thank Ambassador Moher of Canada for his statement. This concludes my list of speakers for today.

(The President)

As I informed you at the beginning of this meeting, I shall now take up for decision the request for participation in our work during 1997 received from the United Republic of Tanzania. This request is contained in document CD/WP.482, which is before you. May I take it that the Conference agrees to this request?

It was so decided.

The PRESIDENT: Before adjourning this meeting, I should like to inform you that I intend to convene, in 15 minutes' time, an open-ended Presidential consultation in this room with simultaneous interpretation. You may recall that, at the end of the second informal plenary held on Tuesday, 4 February, I made known my intention to convene Presidential consultations in room I for the purpose of having more focused and more intensive discussions on the selected items which emerged as the items having received the most attention during the course of the two informal plenaries, namely: fissile material cut-off, nuclear disarmament, anti-personnel landmines and, of course, any other items as appropriate; and also the draft annual agenda for 1997 per se. As for the venue of such open-ended Presidential consultations, reflecting the request from some delegations for the provision of interpretation, I decided to use this Council Chamber with the simultaneous interpretation provided. As I informed all delegations through the group coordinators who participated in the Presidential consultations yesterday afternoon, I intend to hold three consecutive sessions of open-ended Presidential consultations, each of which will be devoted to a fissile ban convention, nuclear disarmament, anti-personnel landmines and other items as appropriate. This morning's session, which will start in 15 minutes' time, will be devoted to discussing the fissile ban treaty. A second session, to be held at 10 a.m. on Tuesday 11 February, will be devoted to discussions on nuclear disarmament. A third session, to be held at 3 p.m. on the same Tuesday, will be devoted to anti-personnel landmines and, time permitting, the third session will also be devoted to other items as appropriate and the agenda per se. Of course, the planned three sessions may be extended or reduced depending on the time consumed by the discussions. At the end of such open-ended Presidential consultations, depending on and on the basis of the outcome of such consultations, I hope I will be in a position to propose the next course of action for the Conference on Disarmament.

Having said this, I now give the floor to Ambassador de Icaza of Mexico.

Mr. de ICAZA (Mexico) (translated from Spanish): My delegation is grateful to you, Mr. President, for the efforts you are making so that we can organize our work and reach agreement on the agenda. My delegation naturally supports the President in his efforts to organize whatever consultations he wishes to conduct. However, my delegation does not consider that the question of mines has been agreed as an appropriate subject for discussion in the Conference on Disarmament or negotiated, and if there is to be a special meeting of any consultative machinery on this subject, my delegation will not participate. Mines have no role to play here.

Mr. AKRAM (Pakistan): My delegation fully concurs with your desire to accelerate the work of the Conference so that we can get down to substantive negotiations on agreed subjects in the very near future. However, I must confess that the proposal which you have presented this morning for a schedule of work in informal consultations by the President is a procedure which we have not been officially informed of and which, we believe, would require the concurrence of the Conference before we can proceed along the lines that have been proposed.

In the informal meetings of the plenary which have been held over the past week, it was pointed out, if I recall correctly, by the Ambassador of the Russian Federation that we must adhere to the rules of procedure with regard to the adoption of the agenda and the work programme of this Conference. He had drawn attention to rules 27, 28 and 29, which relate to the adoption of the annual agenda and work programme of the Conference on Disarmament. Yesterday, the Group of 21 met, considered the situation and authorized its coordinator to convey to you, Mr. President, the position of the Group. I believe that position was conveyed to you in the Presidential consultations. So far, we have not been informed by the Group Coordinator of the results of the consultations held by you yesterday. I believe that the appropriate procedure would be that group coordinators report to the groups, for the groups to consider your proposal, for the evolution of a consensus on the process that we will follow and thereafter we can go into the agreed process.

As far as my delegation is concerned, I would submit that the correct procedure would be, firstly, to agree on the annual agenda of the Conference and, once we have agreed on the annual agenda, we can then go on to try and identify what are the subjects on which negotiations can be convened this year. My delegation, for one, attaches importance, firstly, to nuclear disarmament; secondly, to negative security assurances; and, thirdly, to regional conventional disarmament. These are the three issues on which we have made specific proposals. We would like to see these discussed. I have no problems in discussing any other issue, since my delegation has taken clear and categorical positions on each of the subjects that have been proposed. But I believe that we must proceed in accordance with our rules of procedure and the rules are very clear. Let us first adopt our agenda and thereafter look at the work programme. And this must be done with the concurrence of this Conference.

Mr. ZAHRAN (Egypt) (translated from Arabic): Mr. President, I would like to assure you of our total cooperation with you so that we can start our work in a manner which will enable us to speed up the discussion of the various subjects which enjoy priority at the CD. During the informal consultations, the delegation of Egypt had previously mentioned the fact that, in accordance with the rules of procedure, it would be preferable for the agenda to be adopted first. The delegation of Egypt had also pointed out that it would be possible to take into account the previous agenda which was reflected in the report of the Conference on Disarmament while deleting the first item which relates to the nuclear test ban, adding to this agenda any new item that enjoyed consensus and inserting nuclear disarmament as a separate item. Any new item that enjoyed consensus would not meet with our

(Mr. Zahran, Egypt)

opposition. Following the adoption of the agenda, we could start discussing the programme of work and the priorities which should be set for the CD as regards the negotiations which are to take place during this session. While saying this, we also welcome your proposal to hold extended consultations although we had hoped to be able to discuss this within the framework of the regional groups and the Group of 21. I agree with my colleague, His Excellency Ambassador Munir Akram, that we have not yet been informed of what happened in the Presidential consultations yesterday.

In principle, the delegation of Egypt has no reservations concerning your proposal to hold consultations on the items to which you have referred. We have reservations only as regards separating the item on the prohibition of the production of fissile material and the item on nuclear disarmament. We consider that this item is a sub-item of nuclear disarmament; in other words the "fissile ban" or "cut-off" (prohibition of the production of fissile materials) could be discussed as a sub-item of nuclear disarmament. The same applies to nuclear security assurances, the prevention of nuclear war and the nuclear arms race. All these are considered as sub-items, particularly as the decision on "Principles and objectives" which was adopted by the NPT Review and Extension Conference referred to the prohibition of the production of fissile material as one of the items which should be discussed within the framework of nuclear disarmament. It also mentioned the fact that security assurances for non-nuclear States against the use or threat of use of nuclear weapons should be the subject of negotiations within the framework of a multilateral and legally binding international instrument. I am saying this because it falls within the framework of nuclear disarmament and the best assurance for non-nuclear States is that we should be able to live in a world which is free of nuclear weapons. When we have achieved this objective, we will not need to negotiate a convention to provide the necessary assurances for non-nuclear States. This is what I wanted to emphasize, Mr. President. However, we are fully ready to cooperate with you within these limits and within this framework and trust that God will grant you success. We assure you of our cooperation.

Mrs. CHOHF (India): I am a little surprised that this discussion is taking place while the formal plenary is still open but, nevertheless, since you have opened the floor for comments, I would like to make two very brief points.

As has been pointed out by previous speakers, this is the first time that we have formally heard of your proposal. It is not, of course, the first time we have heard of your intention to conduct informal Presidential consultations, to which we agreed - that you would hold these consultations immediately after the plenary. We therefore would like to study it and discuss it. As the Ambassador of Pakistan pointed out, the Group of 21, which met yesterday, took a particular position. That position is something which I think is reflected in the interventions which have been made so far - to an extent. I think that the Group needs now to reconsider that you have adopted a new approach and we might very well agree with it. We may not have a problem with it. But I think in all fairness, the Group of 21, at least speaking for our own Group - I cannot speak for other groups - would need to

hear from the Coordinator what exactly has been decided, what transpired at the Presidential consultations. And then we could move further. As I had occasion to say in the informal plenary, of paramount importance to me is the issue of nuclear disarmament. We have no problem with discussing any of the other items that are included in your list of 28 January, but I think that the priority which was set by all members of the Group of 21 on nuclear disarmament needs at least to be recognized. I would like to suggest, for your consideration, that once we adjourn the formal plenary perhaps the groups could be given a chance to meet and then we could reconvene at your informal Presidential consultations and continue, so that we have some time to discuss among ourselves what we are to do with a situation which does not in fact reflect what our positions were until yesterday. So I think that I would like to put this forward, not just for your consideration, but for the consideration of the Conference at large.

The PRESIDENT: Before giving the floor to several Ambassadors who have requested to speak, at this point I would like to intervene to clarify my position. I am not complaining of any group coordinator who participated in the Presidential consultations yesterday afternoon. But, from the beginning, I made it clear that I was intending to hold the open-ended Presidential consultations, and yesterday at the Presidential consultations I made it clear, at the beginning of that consultation, that it was my intention, within the authority given to the President, to decide the subjects for consultations and their timing. But as far as timing is concerned, I may be a little bit flexible. As far as I interpret the rules of procedure and other understandings regarding the authority of the President, it is his own decision to hold consultations on such items which have received the most attention. This is not an informal plenary, which is subject to amendment from the floor, in accordance with the rules of procedure - for example, rule 19 of the rules of procedure. These are Presidential consultations which would be open-ended. On the question of the annual agenda, we want, of course, to stick to the adoption of the agenda and work programme on the basis of the agenda, at the outset of the annual session. So the process of consensus-building on the annual agenda and work programme is still under way. But, I would like to appeal to all of you, even though I am flexible on the timing of the first open-ended Presidential consultations - please let me enjoy a part of the Presidential authority which by essence is limited.

I now give the floor to Ambassador Ledogar of the United States of America.

Mr. LEDOGAR (United States of America): Well, precisely, Mr. President, I distinctly heard you call, not just this morning but earlier in your term of office, for open-ended Presidential consultations, which I think is very much your right and your duty to pursue. They certainly would not be decision-taking meetings. Rule 22 of the rules of procedure is, I think, very clear. We are having some of the sea-lawyer's "rules" as reasons for not doing anything here this year. I would take a look at rule 22, saying that the Conference may hold informal meetings with or without experts to consider, as appropriate, substantive matters, etc. I find it curious that people say we have got to adopt an agenda first but we cannot talk about it. We must

Mr. Wang, China

On specific agenda items, my delegation's position is as follows: my delegation is of the view that the CD in 1997 should establish ad hoc committees on NSA as well as on the outer space issue. With regard to transparency in armaments, there will be no need to set up an ad hoc committee. We will have another occasion to elaborate our reasons. On the issue of landmines, my Government is still in the process of comprehensive deliberations. Pending the final decision of my Government on this issue, my delegation cannot commit itself in any way.

Mrs. BOURGOIS (France) (translated from French): Mr. President, I listened attentively to your suggestion and to the statements made by speakers taking the floor before me. Many of these statements are quite convincing. It is true that ideally it would be preferable to reach agreement on an agenda before embarking on the discussion of specific subjects. It is also true that it might be useful to consult with certain partners, once again before exchanging views on specific subjects. It is further true that not all of us necessarily have the same inclinations about the three subjects that you mentioned, while pointing out that they did not necessarily rule out others. Finally, it is also true that the concept of nuclear disarmament covers a large number of subjects, among them some of the subjects which were proposed for study here by certain delegations. Indeed, it is also true that they might also cover the idea of negotiating a treaty to prohibit fissile material for nuclear weapons or other nuclear devices by definition. In short, I think that all the observations that have been made are based on a logical and rational approach to the situation. However, my delegation thinks that you have taken an excellent initiative, Mr. President.

Let us not delude ourselves. On the subject of procedure, there are many ways of interpreting procedure, and while it is true that we must adopt an agenda by consensus, it is also true that the President, particularly when he inherits such a difficult situation as the one you are now in, has the right to conduct consultations which are open to everybody, which means by the same token that those who do not want to participate do not have to. It is also true that we do like to consult our partners, but until further notice it is States and not groups that are members of the Conference on Disarmament. It is also true we may have to do more work before we commit ourselves to specific discussions, but my foible is to believe that the delegations which have gathered in this room have a sufficiently serious knowledge of the subjects you have mentioned to be able to agree to discuss them, obviously on condition that the discussions are informal and do not commit them to accept any given procedure or even any given substantive approach to which their country might ultimately not subscribe. Personally I think that the three subjects which you have mentioned - and which, I repeat, do not rule out others - have a great advantage in this deadlocked situation we are now in.

After listening to the various statements which have been made in plenary since we began our work, we can all observe - this is practically a statistical fact - that it is these three subjects which finally emerge from all these statements, highly varied though they have been. At the same time, we cannot say in the present circumstances, when we have more or less been laid off temporarily - I do not think it would be wrong for us to agree to

(Mrs. Bourgois, France)

spend a few hours, even in a rather impromptu way, in an exchange among ourselves without any report, without any summary records, without any commitment on our part, a discussion which, with luck, might at some point leave behind the language of official formulas. This is why, speaking for myself, and even if, as you have said, we might find a certain amount of flexibility with respect to timetables, if that is really the problem, my delegation is quite prepared to embark upon this exercise that you are proposing, particularly since the three subjects which have been mentioned have one point in common, which is that all three, to varying degrees, have had proposals made on them, whose status is of course different, because to take the two extremes between the status of the issue of the prohibition of the production of fissile material, which has already been the subject of a discussion in this forum, a report and a mandate agreed by consensus, and the new idea put forward by the British delegation as a national one, which my delegation supports, of an ad hoc committee with a mandate on anti-personnel landmines, there is indeed a difference in status, but it remains the case that we have on the table two types of preparatory work for our discussions, and the same is true with regard to the programme of action, about which, as you know, my delegation is not necessarily totally enthusiastic, but it is still prepared to enter discussions. At all events, I wish to thank you for the effort you are making to try to get our discussions out of the rut and to say to you that, as far as my delegation is concerned, and even if these informal conversations do not enable us to reach the point where the normal proceedings of our Conference can resume, we will participate with the greatest good will.

Mr. REMKES (Netherlands): Like others, Mr. President, I would like to thank you for your efforts to try and see how this Conference could move forward at the moment it has to decide what to focus on after the negotiations that are behind us. A couple of days ago, I think, you announced that after the plenary of today we would go into informal consultations under your guidance. We are still - and Ambassador Ghose reminded us a while ago - in the plenary and that is somewhat unusual. On the other hand, it gives the necessary transparency that, as you know, my delegation is so fond of. So, others can see what the real difficulties are, and what we are confronted with.

I think that when you, Mr. President, took it upon yourself to be the President of this Conference for this month, not only in accordance with the rules of procedure, but by common practice that has existed here for a long time, you were expected to consult. You were expected to consult on how we could agree on further work. You can do this in many ways, and you have been doing that during your tenure. You have been consulting bilaterally and you have now proposed to consult, groupwise as it were, in the entirety in open-ended informal consultations. And, that is entirely, as you said yourself, within your prerogative. In fact, it is more than that: it is asked of you, you are expected to do it. So, yesterday in the Presidential consultations, where I happened to be because I happen to be at this moment the Coordinator of the Western Group, you announced how you were going to further conduct your consultations. And, we, I think, said that we were in your hands. By definition no decision was taken and no decision is necessary.

(Mr. Ramaker, Netherlands)

Yesterday, for those who were not yet informed, as far as I am aware, no decision was taken because you simply gave us pre-information of what you actually announced today and which, if I understood it well, meant that we would set aside some time in a couple of mornings and afternoons to have informal consultations - open-ended, so everyone is free to come or not to come - on "cut-off", nuclear disarmament, on landmines and on other issues. And, as I understand it, there is also an interest to discuss other issues. I think that you have put this very wisely and very pragmatically because I think we have to have some clarity in our minds about what it is that we are talking about on each of these issues before we can agree on an agenda and work programme, which, indeed, is desirable. So, nothing of what you have proposed - and I hope that that is a misunderstanding that can be eliminated - contradicts any of the established procedures of the Conference.

I would like to encourage you to continue the consultations. I think we are in your hands at this moment. I don't think there should be any limitation on the subjects in these consultations. The ones you mentioned by name seem to be close to the hearts of many, but some other subjects are very dear to others. I heard the Ambassador of Pakistan say that he is particularly interested in the question of regional disarmament; I remember others saying "Well, what does it really mean?" So I do not think that here we have to have some clarification on what it is that one has in mind before we can actually put it in an agenda. I do think we should understand these things, and I think we should be able to avoid misunderstandings. With regard to nuclear disarmament, I remember my colleague from Morocco, Ambassador Benjelloun-Touimi, saying a couple of days ago that nuclear disarmament means many things to many people, so probably there is some need to clarify what it is and what we have in mind when it comes to this subject in this forum. And therefore the only practical method, if you really want to move forward, is to go into the process of informal consultations and, of course, you will continue your bilateral consultations. As I said, you are expected to, but of course, you can also set aside time to have open-ended informal consultations, and if this or that delegation has an objection in principle - which would be surprising I think - it is, of course, free not to attend your consultations. I do think that you are on the right track and really there is nothing more I can think of to say. I wish you good luck in your consultation process and I am looking forward to it.

The PRESIDENT: I indeed thank Ambassador Ramaker for his encouraging words. I now give the floor to Ambassador de Icaza of Mexico.

Mr. de ICAZA (Mexico) (translated from Spanish): I apologize for taking the floor again, Mr. President. I am doing so because perhaps in my previous statement, when I was taken by surprise by the proposals you made, I spoke in categorical terms and this led some colleagues to understand that I intend to be discourteous. I wish to assure them that that is not my intention. I will not attend the consultations on mines next week, and I will not attend any others either, because I will not be in Geneva, I will be in Mexico in the first place. But in the proposal you are putting before us in this plenary, which is going to be placed on record, I perceive a difficulty.

Mr. de Icaza, Mexico)

You say that we are going to hold three open-ended Presidential consultations, three separate meetings, on specific subjects - on fissile material, on nuclear disarmament and on mines. I look at the procedural framework in which we operate and I see that rule 19 tells me that the arrangements for the work of the Conference must be agreed by the Conference, and in rule 22 I see that the Conference may hold informal meetings to consider substantive matters and the organization of work. I suppose this means substantive matters within the competence of the Conference. And you are making a procedural proposal that, if I remain silent, I automatically assent to work being carried out on three subjects. This obliges me to examine the three subjects, and I see that nuclear disarmament has been on our agenda for many years, and it is even in item 2 on last year's agenda. Of course I have no problem with holding an informal meeting to speak about something that has been on our agenda for a long time. And you tell us that the second meeting will be on fissile material, and there are documents of this Conference telling us that, in the past, there was institutional machinery on this topic; there is even a report dated 1995 that contains a draft mandate. I have no difficulty about holding informal, or formal, or whatever sort of consultations you like on a subject that the Conference has had on its agenda for a great deal of time. But you tell me that we are going to speak about mines in a special meeting, and I ask: Since when has this been on the agenda of the Conference on Disarmament? And if this has never been on the Conference's agenda, then are we going to be compelled to accept it?

I support your efforts, Sir. If I am not mistaken, in the first informal plenary, it was I who suggested that there should be open-ended Presidential consultations. I have no difficulty with these consultations covering the agenda and the programme of work, but if it is to be placed on record that consultations are going to be held on specific items, let it be very clear that there is no consensus that mines are part of the Conference's agenda. If this is very clear, Sir, I am in your hands.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I simply wanted to join with those who had thanked you for your proposals, Mr. President, and congratulate you on your constructive and determined efforts to get this show on the road. I really find it incredible that anyone should deny the right of the President to hold consultations, and yet that seems to be what we are doing now.

Last year I think the President at the beginning of the year was the distinguished representative of Myanmar, and he held consultations with all members, and I think these were very useful, and it was the result of this work that we were able to proceed. Obviously, it is a bit more difficult this year inasmuch as we now have more members and it takes longer to consult them all individually, and therefore you proposed that you should take a short-cut, if you like, and hold informal consultations in room I. The situation, then, seems to have become confused because people started then to talk of meetings, and it was made worse because people suggested - the proposal, I think, was put forward by a cigar smoker who was confident that he could make even this room a smoke-filled one - the proposal was put forward that we should move in

(Sir Michael Weston, United Kingdom)

here. The proposal was also made that we should have interpretation, but this did not change the nature of the consultation. As Ambassador Ledogar said, no one was suggesting that these should be formal meetings, that they should be meetings where decisions could be taken. They were Presidential consultations and, as I say, I do not think anyone can deny your right to hold these. There seems to be objection to your saying that it is your impression, following the discussion that we have had, that there have been three subjects which have dominated that discussion.

A lot of delegations have said that we should set up an ad hoc committee, as we have agreed to do, on "cut-off". You have quite correctly said that there are a lot of delegations who think that nuclear disarmament should be a priority and, also, a lot of delegations who have talked of landmines. But you have not said that you will confine yourself in the consultations to these three subjects, and I think it has been quite clear, as the distinguished Ambassador of the Netherlands said, it would be possible if he wishes to bring back his predecessor and call for an ad hoc committee on radiological weapons, and there is nothing to prevent this either. You could also have said, and this was a point made by the distinguished Ambassador of France, that these are three subjects on which there have been specific proposals to create ad hoc committees. There has been a specific proposal to have an ad hoc committee on fissile material cut-off, there has been a specific proposal by the Group of 21 to set up an ad hoc committee on nuclear disarmament, and - I do not suggest that this has the same status - but there has been a Franco-British proposal for an ad hoc committee on anti-personnel landmines. And these, I think, are formal proposals. The objection has been that landmines is not even on the agenda. But, I mean, if one wishes to make a lot of this point, we could perfectly well say that it should be dealt with under agenda item 7, in the same way as it has been agreed that "cut-off" - which, again, is not mentioned by name on the agenda - should be dealt with under agenda item 2.

But I go back to my starting-point: surely no one denies your right to hold consultations. You have suggested that to save time you will consult us all jointly. You have agreed, for the convenience of delegations, that it will be in a large smoke-filled room. You have agreed, for the convenience of delegations, that interpretation will be provided. But all you have proposed is that in accordance with your responsibilities - not just your rights - in accordance with your responsibilities you should consult. I really think that this Conference has reached a new level of absurdity. We can't agree on our agenda, we can't agree our work programme, we can't agree to establish subsidiary bodies, and now we cannot agree to allow you to hold consultations.

Mr. AKRAM (Pakistan): I would submit to those of our colleagues who have spoken about absurdity that the simplest way to avoid absurdity is to stick to our rules of procedure. Those rules are absolutely clear, and if and so long as we adhere to our rules of procedure, we will not get lost. It is the effort to confuse clarity which is puzzling for my delegation. We are very clear. Let us agree on the agenda. It should not be difficult. We have an agenda from last year, we have a paper from you, Mr. President. What we have suggested is: let us agree on the agenda. Once we agree on that agenda,

(Mr. Akram, Pakistan)

and we know which items are the ones that are to be taken up by this Conference in 1997, we will then be in a position to say how these items are to be dealt with, whether through the creation of ad hoc committees, special coordinators, or other mechanisms that are available to this Conference. We, in this process, should not be seeking to jump the gun. We have to agree on the agenda in accordance with rule 27. We then have to agree to set up negotiating mechanisms, that is, provide our work programme in accordance with rule 28. Those rules are clear. I do not believe that we should circumvent those rules.

We are not challenging the authority of the President to convene informal consultations. You had mentioned, as has been stated, you had mentioned that you would conduct informal consultations last week, but you had mentioned them in an informal meeting. When you bring this proposal into the plenary and announce that you will be conducting consultations which are devoted to three subjects, the question arises: Are those subjects on our agenda? And the answer is: not yet. They are not yet on our agenda. We have to agree to those subjects, and possibly others, to put them on our agenda, and once they are on our agenda we will then be in a position to consult, and to agree upon, the negotiating modalities on those issues. You cannot short-circuit the procedures that are provided for by our Conference's rules. That is the simple point that we are trying to make. We are not trying to be discourteous to you, Mr. President. We are not trying to delay the work. On the contrary, I believe it is those who wish to [as I said] confuse clarity who are delaying the work of this Conference. Let us not be confused. We know what we have to do. By all means do convene informal consultations, but please do not indicate here what the items for those consultations will be, because there are no items on the agenda of this Conference for 1997. That is a fact. So let us have informal consultations. Let us go into those informal consultations with an open mind, no pre-determined subjects. We will there discuss firstly our agenda, and then the modalities for our work, and our work programme. This is the submission we make. We are prepared to enter into informal consultations. We are not prepared at this stage to agree to some items and not to others.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, as you and other colleagues who were present in the Presidential consultations may recall, when this proposal was suggested yesterday to hold consultations in the form that you have laid out today, we had some questions about the utility of the format that had been suggested and we were perhaps a bit apprehensive as to whether it would be useful to continue to discuss these various issues independently, in an informal setting, and whether this would not then prolong the discussions on the agenda and the work programme, whereas the spectrum of the views have already been established after formal and informal plenaries that we have had, and it is rather clear as to where the positions are that are more towards the ends of the spectrum. And would it not be more logical or feasible that we would try to concentrate on those areas, and to try to begin working on how we can find an agreement on grounds that will be, hopefully, in the middle of the spectrum or towards one or the other end?

(Mr. Nasseri, Islamic Republic of Iran)

Nevertheless, it was the President's view that this was the course that he intended to follow and he hoped, and I appreciated that he said it, in my view, in the most sincere way, that through this, the President could begin to perhaps find ways to look for an agreement.

In any case, just as I had apprehensions about the utility of the prolongation of these meetings in the forms that were suggested, I think today also I have apprehensions about the utility of the continuation of this discussion and debate here in the formal plenary. And I wonder whether it would not be perhaps better at this stage to suspend the meeting for 15 minutes and allow for some consultations and then come back to the formal plenary.

The PRESIDENT: I thank Ambassador Nasseri. Are there any other delegations wishing to take the floor? I thank you very much for the comments and remarks made by so many delegations around the table, which in my view are valid in one way or another. As Ambassador Nasseri has reminded me of the question he raised yesterday at the Presidential consultations, please allow me to react very briefly.

Yes, it is true that Ambassador Nasseri questioned the utility or effectiveness of having such informal Presidential consultations, and I answered that this was my plan under my own authority, but I did not want to prejudge the outcome of such informal Presidential consultations. Anyway, I did not intend to generate such a heated debate at the plenary on the plan I had made, and then I was intending to inform you of the plan I have set forth, of which I have already informed you through the coordinators of the groups. But, anyway, these were very useful discussions, and I would like to make it clear, once again, that from Tuesday onwards, I made it clear that while keeping the informal plenary process alive so that we may come back to it whenever a need arises, I should like to let you know that I was planning to have a series of informal, open-ended Presidential consultations.

Several delegations have referred to rules 19 and 22, regarding the conduct of the work of the Conference. I am talking about the authority of the President. As far as I understand it - as far as I interpret it - the President has the authority to conduct his own consultations, which may take the form of bilateral consultations, sometimes plurilateral consultations, or open-ended informal consultations. But it is a selection. I remember that the Ambassador from Pakistan mentioned that there is no agenda yet for the President to conduct informal consultations. But we are not talking about the formal agenda, which has not been adopted yet. I am talking about the Presidential informal consultations. But the selection of items I suggested was based upon my judgement, my assessment, on the frequency and density of the remarks and statements made by so many delegations on these three items. But I made it clear, once again, that the door is being kept open for any other items. Concerning the annual agenda: yes, I have been making every effort, being faithful to the rules of procedure, that at the outset of any annual session of the CD we are supposed to adopt the annual agenda and work programme. I made so many efforts, and then the process of pursuing a consensus on the annual agenda continues. If I borrow the Arabic expression,

(The President)

"The caravan marches on". Well, I think this is the situation. At the beginning of our discussion on this particular procedure, I said that I would be a little bit flexible on timing.

Having said all this, I suggest that the first informal open-ended Presidential consultations be held at 3.45 this afternoon in order that you will have some time to breathe over the lunch-time and, again, I remind you, these are open-ended informal Presidential consultations. So, such consultations will be devoted to the fissile material cut-off, and then another full session will be devoted to nuclear disarmament, and another one to landmines. We may extend or reduce the meetings, depending upon the time necessary for carrying out my informal Presidential consultations which will stay open-ended.

The next plenary meeting of the Conference will be held on Thursday, 14 February at 10.00 a.m.

The meeting rose at 12.15 p.m.